

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                                 |   |                               |
|---------------------------------|---|-------------------------------|
| <b>UNITED STATES OF AMERICA</b> | ) |                               |
|                                 | ) |                               |
| <b>V.</b>                       | ) | <b>CR. No.: 2:06cr123-MHT</b> |
|                                 | ) |                               |
| <b>JOSEPH ANTHONY GUTIERREZ</b> | ) |                               |

**MOTION TO CONTINUE CHANGE OF PLEA HEARING**

NOW COMES the Defendant, Joseph Anthony Gutierrez, by and through undersigned counsel, Kevin L. Butler, and respectfully moves the Court for an order continuing the Change of Plea hearing set in this case for July 21, 2006. Undersigned counsel will be out of the district from July 17 through July 21, 2006. Undersigned counsel would ask that the plea hearing be set on or after Monday, July 24, 2006.

WHEREFORE the Defendant prays this Court for an Order rescheduling the change of plea.

Respectfully submitted,

**s/ Kevin L. Butler**  
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| <b>UNITED STATES OF AMERICA</b> | ) |                              |
|                                 | ) |                              |
| <b>V.</b>                       | ) | <b>CR. No.: 2:06mj39-SRW</b> |
|                                 | ) |                              |
| <b>JOSEPH ANTHONY GUTIERREZ</b> | ) |                              |

**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

A. Clark Morris, Esquire  
Assistant United States Attorney  
One Court Square, Suite 201  
Montgomery, Alabama 36104

Respectfully submitted,

**s/ Kevin L. Butler**  
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